

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TIME SQUARE CONSTRUCTION, INC.

Plaintiff,

- against -

07-CV-7250  
(SAS)(AJP)

MASON TENDERS DISTRICT COUNCIL OF  
GREATER NEW YORK & LONG ISLAND  
AND GENERAL  
LABORERS JATC, LOCAL UNION NO. 79,

Defendants.

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**Affidavit of Lowell Peterson, Esq.**

State of New York     )  
                                  ):  
County of New York    )

LOWELL PETERSON, ESQ., being duly sworn, deposes and says:

1. I am a director of Meyer, Suozzi, English & Klein, P.C., counsel to the Defendants in the above-captioned matter.
2. Exhibit A to this Affidavit is relevant pages from the Transcript of the deposition of Kevin O'Sullivan on October 26, 2007<sup>1</sup>.
3. Exhibit B to this Affidavit is relevant pages from the Transcript of the deposition of Donal O'Sullivan on October 18, 2007.
4. Exhibit C to this Affidavit is relevant pages from the Transcript of the deposition of Joseph Cangelosi on October 18, 2007.

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<sup>1</sup> I have attached copies of pages from the manuscript version of the transcript, which have four standard pages per sheet. I am mindful of this Court's rule limiting the number of exhibits attached to an affidavit and the number of pages per exhibit. Even if I used the non-manuscript versions of the transcripts, the number of pages would be well within this Court's limits.

5. Exhibit D to this Affidavit is pages from the transcript of the November 26, 2007 hearing before this Court<sup>2</sup>.

  
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LOWELL PETERSON, ESQ.

Sworn to and subscribed before  
me this 11<sup>th</sup> day of December, 2007.

  
\_\_\_\_\_  
Notary Public

91295 BARBARA KAPPOCK  
Notary Public, State Of New York  
No. 01-4719234  
Qualified In New York County  
Commission Expires April 30, 20 12

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<sup>2</sup> This transcript was delivered to us only in electronic format.